SUBJECT No. 25.

(*a*) Repeal of the Breach of Contract Act.

(*b*) Amendment of the Breach of Contract Act.

(*a*) Mr. C. Srinivasa Rao, Kadur District Board.

(*b*) Mr. T. Narasinga Rao, North Mysore Native Planters' Association.

Mr. C. Srinivasa Rao.—It is very necessary to repeal the Breach of Contract Act, as it is a great hardship on the poor coolies. According to the system now in vogue in the Kadur and Hassan Districts, planters and rich landlords advance money to poor coolies who mostly belong to the Paraiya and Vodda communities, and take them to their service on poor pay or wages. As these men can hardly maintain themselves and their families out of their small income, there is absolutely no chance for them to repay the amount, and they must be prepared to serve for ever. If they want to get away, warrants will be served on them, and the interest of rich and influential planters protected, and not that of the coolies who are generally ignorant, poor and uninfluential. There is therefore a regular slavery, which ought to be suppressed and for which there should be no room whatever in a civilised State.

Dewan.—What are the troubles of the poor?

Mr. C. Srinivasa Rao.—Employers themselves persuade people and advance money. If a labourer dies, his wife and children are bound to work. This goes on from generation to generation. Depopulation in *malnad* may to some extent be attributed to this. In civilised countries much is being done to ameliorate the condition of the poor. Even in British India there is a proposal to abolish this Act.

Second Member of Council.—You were in the Select Committee appointed to consider the amendments to the Act. Why did you not press this aspect there?

Mr. C. Srinivasa Rao.—I did. The Act was first introduced for Voddars and other coolies. The planters then took advantage of it. The trouble is now mostly in the two *malnad* districts and not in the *maidan*. Holeyars, Madigars and South Canara people are the sufferers. Amildars issue warrants without using discretion.

Dewan.— The rigour of the Act is greatly lessened by the amending bill. Why ask for its repeal?

Mr. C. Srinivasa Rao.—Repeal is better.

Second Member of Council.—Even in civil suits, the same argument will hold good. Often a small amount is lent, but a larger one is entered in the document. Then follows a suit, a decree and execution. The party is often not in a position to resist the claim.

Mr. C. Srinivasa Rao.—Civil Courts are different. There is an appeal, and finally the Chief Court to look to. I know quite well by experience the hardship and difficulties. I am myself an employer. For thirty years I have seen their hardships and can vouch for it.

Second Member of Council.—If the Act is repealed in British India, we will also repeal it. For the present, we have adopted their amendments.

Mr. C. Rasul Khan.— It is not at all desirable to amend the law of Breach of Contract. Money will be advanced to coolies and regular documents written, with conditions agreeable to both the parties, and as such it is but fair for a planter to try to keep a cooly in his service, or take back the amount from him according to the contract. If he is simply allowed to go away, the planters will have to suffer considerably. So, in case there is any idea of repealing this Act, I will have a resolution passed in a

meeting of the Planters' Association, and submit the same for the consideration of Government. This question has not been taken up by them till now.

Dewan.—Have the Indian Planters mooted this subject?

Mr. C. Vasudeva Rao.—They have not.

Mr. Rasul Khan.—They have not discussed the question. I am a member of the Association.

Mr. Anantaiya.—Labourers get eight to ten annas a day elsewhere. As is in vogue now, these coolies are paid much less than what they can get elsewhere. This will not enable them to repay the advance taken by them at all. In the interest of both the planters and coolies, a rule may be laid down to the effect that a cooly should not be advanced more than Rs. 25 and that he should be paid such wages or pay, as he can earn elsewhere. This will not only safeguard the interest of the planter, but also enable the cooly to repay the advance. It is only such class of people as Voddas, Madigas, Korachas and Lambanis that enter into this kind of service. Their wages work out at one to two annas and as the Government is interested in the welfare of the depressed classes it is a point for consideration whether a rule to the above effect may not be passed.

Second Member of Council.—Are you speaking for Shimoga or for Hassan?

Mr. Anantaiya.—For Shimoga.

Second Member of Council.—Hassan wants a raising of the maximum amount, and labour is mostly from South Canara.

Mr. Anantaiya.—Holeyas and Voddars of Mysore are also included. They simply cannot live.

Mr. C. Vasudeva Rao.—It is desirable to introduce an amendment in the Act, laying down that a cooly should not be advanced more than that what he is able to repay. A distinction between a cooly and a maistri is also necessary and the former may be advanced only Rs. 25 as he cannot, earn much and repay large advances, while the latter may be advanced Rs. 1,000 or more on securities.

Mr. Murugesam Pillai—The Breach of Contract Act should be repealed as it causes great hardship and inconvenience to the poor people who work under the planters. The terms entered into between them will not be strictly adhered to. The cooly being generally ignorant and at the mercy of the planter, cannot clearly understand adjustment of his account out of the sums due to him. In many cases there will be no details of terms in the agreement entered into between them, and the result will be to the disadvantage of the poor.

Mr. Abbas Khan.—There is a complete remedy in civil courts for all moneys advanced and not recouped. In Bangalore and other places, petitions praying for the issue of warrants will not be entertained by the Magistrates, the case being of a civil nature, but the case seems to be different in *malnad* parts. As there will be a regular contract between the parties and the case is of a purely civil nature, the existing difficulty in the *malnad* can easily be obviated by the Magistrates. There is no necessity for repealing the Act.

Mr. Purushottamanandagiri Goswami.—If the Breach of Contract Act is repealed, it will be a great hindrance to the progress of industries which are at present in a flourishing condition, as it is mainly from coolies that industries can be carried on. If large sums are not advanced, coolies will not be readily available. In Civil Courts, there is undue delay, and there is again the question of costs. The Act is necessary and by its repeal, we will also in a way be depriving them of their livelihood. It is therefore undesirable to repeal the Act.

Mr. Syed Khaja Peeran.—The Act is necessary and entails no hardship. The wife and children of a deceased coolie need not work out the amount. The Act does not apply to them, and warrants cannot issue against them. Cash should have been paid before action can be taken. It is necessary to advance high sums to coolies to meet their requirements, as small sums may not always serve their purpose. A marriage means not less than Rs. 300. The men must of course be enforced to repay the sum and stick to the contract. So, the repeal of the Act is not necessary.

Second Member of Council—It is the Government of India Act that is now in force here and we have to follow it strictly. If they repeal it, we will also do the same.

Dewan.—The amendment of the Breach of Contract Act is now under consideration, and the question will be disposed of early.

SUBJECT No. 26.

Prohibition of cow-slaughter.

Messrs. P. Kanni Settappa, Chikballapur Taluk, and Upadra Nagarajaiya, Jaina Education Fund Association.

Mr. P. Kanni Settappa.—The subject relating to the prohibition of cow-slaughter was already discussed in the last session of the Assembly, but elicited no satisfactory reply, and till now no final decision has been arrived at. Both the Hindus and Mahomedans are against this, and the latter have also expressed a favourable opinion last time. There is practically no benefit derived by the slaughter of cows, which are so very useful and considered very sacred by one and all. It is also sinful to do it. Regarding the use and benefits of cows I need not dwell at length. Scarcity of rain may perhaps be due to this slaughter. It is therefore very necessary to take immediate steps to prevent the slaughter of cows altogether, not only on Hindu festival days but also on all occasions. I do not subscribe to the second part of the representation, *viz.*, that if it is not possible to stop the practice of killing cows, it may be stopped on sacred festival days. Prevention of slaughter on feast days only is a half measure.

Mr. Vema Reddi.—Government have to take steps to protect cows as in the case of people. Milk which is mainly got from cows is indispensable to children and to all, and as such our efforts in the direction of protecting these sacred animals and preventing their slaughter should be great. Other countries may use horses for ploughing; but we use oxen. An enactment prohibiting the slaughter of cows is therefore highly desirable, and unless this is done, it may not be possible to prohibit the slaughter completely. A general and unanimous decision in the matter has been arrived at in so many conferences. Early steps in some form or other should therefore be taken to prevent the slaughter of cows.

Mr. C. Narayana Setti.—Recently, a resolution was passed at a meeting held in Calcutta, to prevent the slaughter of cows. In Baroda also such a step has been